

**REMARKS/ARGUMENTS**

In this reply, Claims 1, 8, 10, 13-19, 21-25, 32, and 34 are amended. Claims 11, 20, and 35 are canceled. Claims 37-39 are added. Therefore, Claims 1-10, 12-19, 21-4, and 36-39 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

**CLAIM REJECTIONS—35 U.S.C. § 101**

Claims 13-36 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Claims 20 and 35 are canceled. The Applicants respectfully submit that the amendments to Claims 13-19 and 21-25 cure any deficiencies from which Claims 13-19, 21-34, and 36 might have previously suffered under 35 U.S.C. § 101. The Applicants respectfully request that the rejections of Claims 13-19, 21-34, and 35 be withdrawn.

**CLAIM REJECTIONS—35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 8, 20, and 32 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. Claim 20 had been canceled. Claims 8 and 32 have been amended to provide antecedent basis for the phrase “the third process.” Therefore, the Applicants respectfully request that the rejections of Claims 8 and 32 under 35 U.S.C. § 112, second paragraph, be withdrawn.

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 1-36 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,194,439 (“Kassan”). Claims 11, 20, and 35 are canceled. The rejection of Claims 1-10, 12-19, 21-34, and 36 is respectfully traversed.

Claims 1, 13, and 25 each recite, among other features, “a plurality of VOSEs **controlled by a single operating system kernel instance.**” Although Kassan hints that multiple “logical” operating systems may co-exist on the same computer system (col. 1, lines 33-40), Kassan does **not** disclose, teach, or suggest that these co-existing operating systems are all **controlled by a single operating system kernel instance.** Instead, Kassan appears to contemplate the more common practice of partitioning a computer into multiple partitions, and executing a completely independent operating system, each **with its own separate operating system kernel instance,** within each partition. Kassan’s operating systems are **not** controlled by a single operating system kernel instance. Instead, each of Kassan’s operating systems is controlled by its own separate kernel. In such an environment, the challenges overcome by the embodiments of the invention recited in Claims 1, 13, and 25 would not even exist, so any disclosure in Kassan of its fully separated operating systems each having accounting mechanisms similar to those recited in the claims is irrelevant. Even if the features that the Office Action alleges would have been obvious in Kassan’s fully separated, multiple kernel operating system model actually would have been in that model, such features would not have been obvious in an environment in which a single operating system kernel controlled all of the VOSEs.

Thus, Kassan does not disclose, teach, or suggest “a plurality of VOSEs **controlled by a single operating system kernel instance.**” The Applicants respectfully submit, therefore, that

Claims 1, 13, and 25, and all of the claims that depend from any of Claims 1, 13, and 25, are patentable over Kassan under 35 U.S.C. § 103(a).

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

Hickman Palermo Truong & Becker LLP

Dated: December 31, 2008

/ChristianANicholes#50266/

Christian A. Nicholes  
Reg. No. 50,266

2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone No.: (408) 414-1080  
Facsimile No.: (408) 414-1076